

approved, SCAO STATE OF MICHIGAN 36th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	Original - Court 1st copy - Defendant SUMMONS AND COMPLAINT	2nd copy - Plaintiff 3rd copy - Return CASE NO. 17119492 JDG: J. BRIGHT
Court address 421 Madison Ave., Detroit, MI 48226		Court telephone no. (313) 965-8700
Plaintiff's name(s), address(es), and telephone no(s). BRITE FINANCIAL SERVICES, LLC <hr/> Plaintiff's attorney, bar no., address, and telephone no. JASON MICHAEL KATZ, P.C. Jason M. Katz (P62923) 30665 Northwestern Hwy., Suite 202 Farmington Hills, MI 48334 (248) 702-6310	v	Defendant's name(s), address(es), and telephone no(s). BOBBY'S TOWING SERVICE, LLC Registered Office: 2744 W. Davison Detroit, MI 48238 Business Address: 10401 Lyndon St. Detroit, MI 48238 Resident Agent: Robert Hardison

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk	ISSUED 08/09/17 EXPIRE 11/08/17 T. Jackson-Davis
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Family Division Cases (The following is information required in the caption of every complaint and is to be completed by the plaintiff.)

- ☐ This case involves a minor who is under the continuing jurisdiction of another Michigan court. The name of the court, file number, and details are on page ____ of the attached complaint.
- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

 The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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Civil Cases (The following is information required in the caption of every complaint and is to be completed by the plaintiff.)

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

 The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Madison Heights, MI	Defendant(s) residence (include city, township, or village) Detroit, MI
Place where action arose or business conducted Detroit, MI	

 August 2, 2017
 Date


 Signature of attorney/plaintiff

P69250

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
IN THE 36th DISTRICT COURT

BRITE FINANCIAL SERVICES, LLC, a
Michigan Limited Liability Company,

Case No: -6-C

Hon.

Plaintiff,

v.

BOBBY'S TOWING SERVICE, LLC,
a Michigan corporation,

Defendant.

JASON MICHAEL KATZ, P.C.
Jason M. Katz (P62923)
Robert E. Zielinski (P69250)
Attorneys for Plaintiff
30665 Northwestern Highway, Suite 202
Farmington Hills, MI 48334
(248) 702-6310
Fax: (248) 702-6311

BOBBY'S TOWING SERVICE, LLC
Defendant
Registered Office:
2744 W. Davison
Detroit, MI 48238
Resident Agent: Robert Hardison

Business Address:
10401 Lyndon St.
Detroit, MI 48238

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed after having been assigned to a Judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred or otherwise disposed of after having been assigned to a judge in this Court.

NOW COMES, BRITE FINANCIAL SERVICES, LLC ("Plaintiff"), by and through its attorneys, JASON MICHAEL KATZ, P.C., and for its Complaint against BOBBY'S TOWING SERVICE, LLC, ("Defendant"), states as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a Michigan limited liability company whose principal place of business is in the City of Madison Heights, Oakland County, State of Michigan.

2. Defendant is a Michigan corporation with its principal place of business in the City of Detroit, Wayne County, State of Michigan.

3. On information and belief, the property at issue is located in the County of Wayne, State of Michigan.

4. Venue and jurisdiction are proper in this Court.

GENERAL ALLEGATIONS

5. Plaintiff is the titled owner of a 2013 Chevrolet Malibu, VIN 1G11C5SA1DF228194 (the "Vehicle"). A copy of the Plaintiff's title to the Vehicle is attached. **Exhibit 1 – Certificate of Title.**

6. The Vehicle has a present value of at least \$7,325.00.

7. The Vehicle was leased by Plaintiff to lessees Daylan Lett and Sonya Watkins pursuant to a Closed End Vehicle Lease Agreement, a copy of which is attached.

Exhibit 2 – Lease Agreement.

8. On or about June 19, 2017, the lessees became dispossessed of the Vehicle and the Vehicle came into the custody and possession of Defendant.

9. Since learning that the Vehicle is in Defendant's possession on June 20, 2017, on numerous occasions Plaintiff has proffered ownership documents to Plaintiff and has demanded that the Vehicle be returned to it. Despite Plaintiff's efforts, Defendant has refused Plaintiff's demands.

10. Defendant remains in possession of the Vehicle.

COUNT ONE – STATUTORY CONVERSION

11. Plaintiff incorporates by reference the allegations set forth in paragraph 1-10 of this Complaint.

12. By way of its illegal retention of the Vehicle, Defendant has intentionally exercised dominion and control over property that does not belong to it and rightfully belongs to Plaintiff.

13. Defendant has wrongfully converted the Vehicle to its own use and is required to reimburse Plaintiff for same.

14. As a result of Defendant's actions, Plaintiff has sustained actual damages in the amount of at least \$7,325.00. **Exhibit 3 – Manheim Market Report (Bluebook), 7/31/2017.**

15. Pursuant to MCL 600.2919a, Plaintiff is entitled to treble damages in the amount of \$21,975.00 as a result of Defendant's wrongful conversion, as well as Plaintiff's taxable costs and actual attorney fees.

COUNT TWO – COMMON LAW CONVERSION

16. Plaintiff incorporates by reference the allegations set forth in paragraphs 1- 15 of this Complaint.

17. Plaintiff, at all relevant times, was the rightful and legal owner of the Vehicle.

18. Despite Defendant's full awareness of Plaintiff's rightful ownership of the Vehicle, Defendant has refused to return same to Plaintiff.

19. Plaintiff never authorized Defendant to possess and/or retain the Vehicle, including for Defendant's own benefit.

20. Given Defendant's refusal to return the Vehicle to Plaintiff, Plaintiff asserts that Defendant intends to retain the vehicle and therefore possess the Vehicle for Defendant's own use and benefit, and/or convert the Vehicle for pecuniary gain.

21. Defendant obtained possession of the Vehicle without Plaintiff's knowledge or authority.

22. By its actions, Defendant has stolen, embezzled, or converted the Vehicle for Defendant's own use and benefit.

23. As a result of Defendant's actions, Plaintiff has sustained actual damages in the amount of at least \$7,325.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter Judgment against Defendant in the amount of \$21,975.00, or in the alternative, an amount not less than \$7,325.00, together with an award of interest, costs, and attorney fees.

Respectfully submitted,



Jason M. Katz (P62923)

Robert E. Zielinski (P69250)

Attorneys for Plaintiff

Dated: August 2, 2017

Invoice

Invoice #	Date	Call #
29134	28-Jun-2017	1537

Bobby's 24 Hour Towing & Recovery

10401 Lyndon
 Detroit, Michigan 48238
 Phone: (313) 933-9305
 Fax: (313) 931-9263

Customer

Detroit Police Department NWD

11450 Warwick Street
 Detroit, Michigan

Summary

Location: 17646 Greenvew
Destination: 10401 Lyndon
Reason: No Ins
Zone: Nwd
Vehicle: 2013 Chevrolet Malibu 1Lt (Silver)
Owner:
Phone:
Vehicle #: 601 **Trailer #:** 10401
VIN: 1G11C5SA1DF228194
Plate/Tag: DNZ 9809 MI **Truck:**
Mileage: **Driver:** UU

Terms:

Date	Incident #	Club/PO #	Service	Quantity	Rate	Amount
19-Jun-2017	08-3202	HOLBROOK 3915				
			Administration Fee	1.00	75.00	75.00
			Flat Bed / Dolly	1.00	125.00	125.00
			State Service Fee	1.00	40.00	40.00
			Storage	99.00	15.00	1,485.00
				Sub Total		1,725.00
				TOTAL		1,725.00
				Payments		0.00
				Balance Owing		1,725.00

Date Stored: 19-Jun-2017 7:07 PM

Date Released:

Released To:

Verification:

I, the undersigned, do hereby certify that I am legally authorized to take possession of the vehicle referenced above.
 I have received the vehicle in satisfactory condition.

 Signature

 Date

This company is not responsible for loss or damages caused by faulty tires, bumper brackets, etc. and assumes no responsibility for loss or damage by theft, fire or any other cause beyond our control, to any vehicle placed with us for storage or repair.

EXHIBIT 1